

COMMITTEE STATEMENT

LB 793

HEARING DATE: February 10, 1999

COMMITTEE ON: Natural Resources

TITLE: (Schrock) Change provisions relating to game and parks

ROLL CALL VOTE – FINAL COMMITTEE ACTION

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

7	Yes	Senators Bohlke, Bromm, Bruning, Hudkins, Jones, Schrock, Stuhr
0	No	
0	Present, not voting	
1	Absent	Senator Preister

PROPOSERS	REPRESENTING
Jody Gittins	Introducer
Mark Brohman	Nebraska Game and Parks Commission
Ted Blume	Nebraska Game and Parks Commission
Duane Westerholt	Nebraska Game and Parks Commission
Wes Sheets	Nebraska Council of Sportsmen Clubs
Peter Berthelsen	Pheasants Forever
OPPONENTS	REPRESENTING
None	
NEUTRAL	REPRESENTING
None	

SUMMARY OF PURPOSE AND/OR CHANGES:

LB 793 is the “trailer” bill to LB 922, which was passed last year. LB 922 was a recodification of the Game Law. LB 793 may be divided into non-substantive changes and substantive changes.

Non-substantive changes occur when there are word substitutions, clarifications, reference corrections, conforming language changes, corrections of omissions, removing redundant clauses, and modernization of terminology. These types of changes occur in Sections 1 through 20; Section 22; Section 27; Sections 30

COMMITTEE STATEMENT

through 39; Sections 41 through 48; Section 50; Section 58; Section 62; Section 64; Section 66; Section 68; Sections 70 and 71; Sections 74 through 77, Sections 79 through 95; and Sections 98 through 100.

Sections 103 and 105 contain the repealer language.

Substantive Changes by Section:

Section 14 – includes a minimum mandatory fine for a Class III misdemeanor of \$50.00.

Section 17 – allows individuals, including the county clerk, to collect permit fees. It also makes refusal to remit the amount collected a theft crime under current penal law.

Sections 19, 21, 26, 28, 34, 43, and 99 – deal with internet access to obtain various permits and stamps, and renewal of boating registration as technology advances.

Section 23 – allows the Commission to charge up to \$5.00 for a replacement hunting, fishing or combination permit. Current law is \$1.50 but not more than \$2.00.

Section 24 – using fraud to obtain a permit becomes a Class III misdemeanor with a mandatory minimum fine of \$75.00.

Section 25 – mandates a minimum fine of \$75.00 for poaching.

Section 26 – allows the Commission to charge up to \$5.00 for a replacement lifetime permit.

Section 29 – allows the Commission to establish rules and regulations on validation of a habitat stamp.

Section 40 – allows the courts to confiscate a fraudulent permit, or a permit, which was obtained fraudulently.

Section 49 – increases the class of misdemeanor from a Class V to a Class IV in regard to illegal fur buying.

Section 51 through 57 – becomes the Aquaculture Permit section, and eliminates all references to everything except aquaculture.

Section 55 – establishes penalty provisions for violation of an aquaculture permit as Class IV misdemeanors.

Section 57 – deletes the word “willfully” from the definition of violation, which brings this section into conformity with other sections of the Game Law.

Section 59 – creates the Wildlife Auction Permit section. The cost of the permit shall be not less than \$50.00 and no more than \$65.00.

Section 60 – creates the Captive Wildlife Permit section. The permit expires on December 31 of each year. Reporting requirements are to be established by rules and regulations. This section also prohibits the taking of wild animals unless from the commission or from a person authorized to sell.

Section 61 – requires the captive wildlife permit holder for food trade only to identify the contents, name and permit number of the permit holder on the package. It prohibits the sale, purchase or barter of any wild bird or carcass of any wild bird bearing shot marks with some exceptions: a captive wildlife permit holder or a dog trial training program.

Section 63 – allows the inspection of facilities associated with a captive wildlife auction permit or a captive wildlife permit.

Section 65 – allows the fee for a permit for a recall pen to be increased to \$13.00.

Section 67 – allows authorized personnel to take any wildlife that has escaped captivity; is diseased; needed for scientific study; considered dangerous to human or livestock health; or, is damaging agricultural crops.

Section 69 – establishes a mandatory minimum fine of \$100 for Class III misdemeanors for certain poaching violations.

Section 72 – establishes a mandatory minimum fine of \$150 for Class III misdemeanor for blatant illegal spot lighting hunting.

Section 73 – allows the taking of captive wildlife while doing a hunter safety course or dog training or dog field trials, and allows novice hunter education events by permit.

Section 78 – makes it unlawful to commercially exploit wildlife taken from the wild except those exempted by the Commission. This is a Class III misdemeanor. Requires the Commission to establish rules and regulations regarding the release, importation, commercial exploitation, and exportation of species other than commercial fish and bait fish, which must include requirements for annual permits, fees, the number

COMMITTEE STATEMENT

of individual animals of a particular species that may be released, imported, collected, or exported under a permit, and the manner and location of release or collection of a particular species. The fees collected under this section shall be credited to the Nongame and Endangered Species Conservation Fund.

It would require the Commission to conduct a review of any listed or unlisted species proposed to be added to or removed from the list published by the Commission under this section. This review must be conducted, either by the Commission's own recommendation or upon the petition of any person who presents to the Commission substantial evidence regarding ecological or economic harm or significant impact to a wildlife population.

Section 96 – allows the Nongame and Endangered Species Conservation Fund to pay for research into and management of the ecological effects of the release, importation, commercial exploitation, and exportation of wildlife species.

Section 97 – extends the Trail Development and Assistance Act to January 1, 2010.

Section 101 – makes it a Class III misdemeanor for failing to take a breath test if under suspicion of operating a watercraft under the influence of alcohol.

Section 102 – makes sections 77 through 80 and section 104 operative on January 1, 2000. Makes the repeal of Sections 37-547 through 550 operative on January 1, 2000.

EXPLANATION OF AMENDMENTS, IF ANY:

The committee amendments do the following:

- 1) Strike the original sections 5 and 6.
- 2) Amends section 21 by reinstating the stricken language on page 13, lines 13 through 18. Changes the word “sell” to “issue” on line 13, adds “licenses” before the word “permits” and adds “and stamps” after the word “permits” on line 13. On line 16, “resident and nonresident” remains stricken; adds “license” before the word “permit” and adds “and stamp” after the word “permit” on line 16. On lines 17 and 18 adds “license” before the word “permit” and adds “and stamp” after the word “permit”.
- 3) Amends section 73 by adding a comma after the word “commission” and the following new language: “pursuant to rules and regulations promulgated and adopted by the Game and Parks Commission.
- 4) Section 75 - eliminates the reference to the Missouri River from Section 37-543.
- 5) Section 76 – allows the commission to establish rules and regulations regarding the taking, transportation, possession, buying, selling and bartering of bait fish. It also establishes that any person violating these rules and regulations shall be guilty of a Class III misdemeanor and establishes a minimum mandatory fine of \$50.
- 6) Section 92 - eliminates unnecessary language.
- 7) On page 6, line 27, includes conservation or similar wildlife management activities authorized by the United States Fish and Wildlife Service in establishing open and closed seasons for fishing and hunting.
- 8) On page 8, line 17, allows the Commission to close or reopen any seasons established by a conservation order.
- 9) On page 13, after line 22, a new subsection (3) is inserted that makes it unlawful to duplicate any electronically issued license, permit or stamp. This activity is a Class III misdemeanor with a mandatory fine of at least \$75, and allows confiscation by the court of any such license, permit or stamp.
- 10) On page 19, after line 12, a new subsection (2) is inserted that allows participants in educational fishing projects to be exempt from the payment of any fees for the privilege of fishing in Nebraska. It does not extend to commercial fishing or to the privilege of fishing for any species of fish on which an open season is limited to a restricted number of permits or special permits for restricted areas.
- 11) On page 26, line 27 and 28, the stricken language is reinstated, and the word “vendors” is changed to “agents”. This is in conformity with the rest of the bill. The stricken language on page 27, lines 1 through 4 is also reinstated.

COMMITTEE STATEMENT

- 12) On page 49, makes violations of subsections (1) and (3) subject to a minimum fine of \$100; and makes violations of subsection (4) subject to a minimum fine of \$50.
- 13) On page 51, line 18, inserts language that allows game animals to be taken during a novice hunter education program.
- 14) On page 52, after line 16, insert a new section that exempts archery hunters hunting during a non-centerfire firearm season or in a management unit where a current centerfire season is not open from wearing hunter orange.
- 15) On page 64, line 13, strike "or employee". This is in conformity with the language contained in the bill.

The remainder of the committee amendments strikes incorrect references and numbering.

Senator Ed Schrock, Chairperson